

Date/Time Filed with Registrar of Regulations	VA.R. Document Number: R_____ - _____
	Date of Publication in Virginia Register:

**Commonwealth of Virginia**

**RESPONSE TO PETITION FOR RULEMAKING**

Check one: ☐ Initial Agency Notice ☒ Agency Decision

**Regulatory Coordinator:** Cindy Berndt

**Telephone:** (804) 698-4378

**E-mail:** cmberndt@deq.virginia.gov

**Agency Name:** Department of Environmental Quality

**Chapters affected:**

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
9 VAC 25-260	Water Quality Standards regulation

**Statutory Authority:** § 62.1-44.15(3a)

**Name of petitioner:** Amherst County Service Authority

**Nature of petitioner's request:** Designate as an exceptional state surface water Cove Creek, Little Cove Creek and its tributaries, Rocky Branch, North Fork of the Buffalo River from its confluence with Rocky Branch downstream to the National Forest boundary, Roberts Creek, and Shady Mountain Creek all of which are within Amherst County.

**INITIAL AGENCY NOTICE**

**Agency's plan for disposition of the request:** The State Water Control Board has delegated to the Director to proceed to the Notice of Intended Regulatory Action if no adverse comments are received on the petition from the potentially impacted localities and riparian landowners. If adverse comments are received, the Board will decide whether or not to move forward with the rulemaking at their first quarterly meeting of 2005.

**Comments may be submitted until 5 p.m. on Monday, February 14, 2005.**

**AGENCY DECISION**

☒ Request Granted

☐ Request Denied

**Statement of reasons for decision:** The State Water Control Board had previously determined that the nominated waters met the eligibility requirements for designation as an exceptional state surface water. The comment period has been completed and no adverse comments were received, so the Department is authorized to initiate a regulatory action and has done so.

**Agency Contact for Further Information:**

**Name:** David C. Whitehurst

**Title:** Environmental Specialist I

**Address:** P.O. Box 10009, Richmond, VA 23240

**Telephone:** (804) 698-4121      **Fax:** (804) 698-4522

**Toll Free:** 1-800-592-5482

**E-mail:** dcwhitehurst@deq.virginia.gov

---

**Date Submitted:**

---